

TEXAS BOARD OF NURSING

Position Description

September 2017

- I. TITLE: Attorney III (3503) (B23)
- II. DEFINITION: Performs complex legal duties with respect to agency procurement, contracting, and enforcement of contracts to ensure agency compliance with state law and regulations for the Board of Nursing. Performs advanced legal work analyzing, processing, and coordinating the fulfillment of, and responding to public information requests submitted to the Board in compliance with the Texas Public Information Act and other privacy laws, including, but not limited to, the Texas Medical Privacy Act, the Health and Insurance Portability and Accountability Act of 1996 (HIPAA), and the Family Educational Rights and Privacy Act, and drafting and issuing requests for Office of the Attorney General Opinions and Rulings. Interprets laws and regulations; gives legal advice; prepares and reviews opinions, briefs and other legal documents; consults with agency General Counsel. Works under administrative direction of the agency General Counsel with wide latitude for individual professional action and decision.
- III. QUALIFICATIONS:
 - A. Personal
 1. Recognized personal and professional integrity that is necessary to maintain the respect of state officials, professional colleagues, and the general public.
 2. A commitment to the agency's mission of public protection.
 - B. Education and Experience
 1. J.D. degree from an accredited institution.
 2. Licensed as an attorney by the Supreme Court of Texas.
 3. Should have one to five years' experience in administrative law, state agency contract and procurement law, and the Texas Public Information Act and open records law. Previous experience in the health care field is desirable, particularly knowledge of the Texas Medical Privacy Act, the Health and Insurance Portability and Accountability Act of 1996 (HIPAA), and the Family Educational Rights and Privacy Act.
 - C. Knowledge, Skills and Abilities
 1. Thorough knowledge of federal and state laws affecting the agency.
 2. Comprehensive knowledge of administrative law, state agency contract and procurement law, and the Texas Public Information Act and open records law.
 3. Problem solving and reasoning skills to recommend courses of action based on interpretation and application of court decisions, laws, rules, and procedures.
 4. Skilled in writing clear, accurate opinions and briefs.
 5. Ability to communicate clearly, both verbally and in writing.
 6. Ability to deal with professionals under adversarial conditions.

7. Ability to meet rigid deadlines.

IV. RESPONSIBILITIES:

Is administratively responsible to the agency General Counsel. Works in a collegial relationship with the agency's division directors and staff.

V. FUNCTIONS:

- A. Performs complex legal duties with respect to agency procurement, contracting, and enforcement of contracts to ensure agency compliance with state law and regulations.
- B. Represents the agency in procurement matters, contract negotiations, and disputes, including protests and contract-related claims, as well as other matters as requested by agency management. May represent the agency in administrative or contested case hearings.
- C. Drafts contracts and related legal documents in accordance with the agency's legal authority and with state law and regulations relating to contracts and contract management.
- D. Advises agency staff on state contract law and regulations.
- E. Drafts legal contracting instruments and provides legal advice regarding contracting, procurement, and enforcement policy.
- F. Maintains open communication with agency departments to coordinate and ensure required postings, updates, negotiations of contracts, and reports to the Legislative Budget Board's Contracts Database, as provided by the Texas Government Code and General Appropriations Act (GAA), and other contracting functions.
- G. Develops and/or interprets rules, policies, or procedures regarding contract management or contract administration.
- H. Recommends the development of new contracts based on end user requirements.
- I. Develops contracts by identifying needs, analyzing resources, describing services to be rendered, and negotiating pricing and other contract features/terms, as required.
- J. Advises and facilitates the activities of a contract management team.

- K. Prepares and presents reports regarding agency contracts by compiling, reviewing, and analyzing data and reporting to agency management and the Legislature.
- L. Coordinates the risk assessment process for contract planning and monitoring.
- M. Mitigates risks by addressing potential threats during contract development.
- N. Advises and assists in inspecting and/or auditing contractors to ensure compliance with contract terms and conditions.
- O. Assists in monitoring contractor performance.
- P. May mediate and/or resolve contract related protests or disputes.
- Q. Provides guidance to agency staff regarding contract administration policies and procedures.
- R. Identifies training needs and provides training and technical assistance to the agency in order to comply with statutes, rules, and policies.
- S. Continually refines best practices guidelines for contract management.
- T. Assists in implementing a quality control/assurance process, including maintaining appropriate records and documenting significant events and ensuring the contract file contains all necessary contract documentation, formal acceptance documented, and document lessons learned.
- U. Drafts rules, policies, handbooks, and other legal documents required to implement state contracting and procurement law and regulations.
- V. Participates in assigned projects, including, but not limited to: the development of policies, rules, standard procedures and forms, review and implementation of legislative changes, and similar projects.
- W. Drafts/ maintains information for agency website to include contracts and statements of work required by law.
- X. Reviews and responds to open records requests and subpoenas in compliance with law.
- Y. Monitors the agency's compliance with Texas open records law.
- Z. Drafts requests for open record letter decisions from the Attorney General's office.

- AA. Drafts rules, policies, handbooks, and other legal documents required to implement state open records laws.
- AB. Provides legal advice regarding open records law, privacy law, and receipt of subpoenas.
- AC. Performs other duties as assigned.

VI. CONDITIONS OF EMPLOYMENT

- A. Licensed to practice law in the State of Texas.
- B. Refer to personnel policies for other conditions of employment.
- C. Position is exempt from the Fair Labor Standards Act (FLSA)